

Memorandum

Date:

From:

Subj: Acknowledgement Abuse of Patients by Employee

To: Human Resource Management (05)

I acknowledge receipt of Medical Center Memorandum 05-11, dated 12/21/2012, Abuse of Patients by Employee. I understand that this acknowledgement will become part of my official personnel folder.

(Print Name)

(Signature)

(Date)

(SSN)



**ATLANTA VA MEDICAL CENTER
DECATUR, GEORGIA**

MEDICAL CENTER MEMORANDUM

**HUMAN RESOURCES MANAGEMENT SERVICE
NUMBER**

December 21, 2012

05-11

ABUSE OF PATIENTS BY EMPLOYEES

1. PURPOSE: To express VA Medical Center policy and procedures relating to instances of alleged abuse of patients by employees.

2. POLICY: It is a fundamental and closely guarded policy of the VA that no patient is to be mistreated or abused in any way by any employee. A complete inquiry or investigation will be conducted into all instances of alleged abuse or mistreatment.

3. DEFINITIONS:

a. Patient abuse includes acts of physical, psychological, sexual, or verbal abuse. Employee intent is **not** a requirement for patient abuse. The patient's perception of how he/she is treated is an essential component of the determination as to whether or not a patient has been abused.

b. Patient abuse may contain the following components:

- 1) Any action that conflicts with patient rights, identified in VA regulations at 38 CFR 17.34a.
- 2) Intentional omission of patient care.
- 3) Willful violations of the privacy of the patient(s).
- 4) Intimidation, harassment or ridicule of the patient(s).
- 5) Willful physical injury of a patient.

4. DESIGNATIONS:

a. Employees: It is the responsibility of each employee to familiarize him/herself with the contents of this memorandum and to avoid any act, which could possibly be considered abuse or mistreatment of patients. All employees will report instances of abuse or mistreatment of a patient to their Service Line Manager. Any employee who witnesses any unkindness, rudeness, or violence of any kind toward a patient and who does not promptly report it to the proper authority is subject to disciplinary action.

b. Service Line Managers: Service Line Managers will notify Patient Safety and the Employee Relations Section of the Business Office Service Line, Human Resources Management Service (05), of any report of alleged patient abuse. With the assistance of Employee Relations, Service Line Managers will conduct a preliminary investigation of any such allegation, and report the findings to Patient Safety.

5. PROCEDURES:

a. Any complaint, allegation, or evidence that a patient has been abused or mistreated in any way by an employee will be reported immediately to the Chief of Police, the Service Line Manager and the Chief, Quality Management. A preliminary investigation of all facts concerning the alleged abuse or mistreatment will be made by the Service Line Manager in coordination with the Employee Relations staff.

b. An Incident Report (as described in MCM 11-10), will be filled out completely on **ALL** cases of alleged patient abuse (for both inpatients and outpatients) and will be submitted to Patient Safety via the electronic patient event reporting system e-PER. The report will include a description of the event, its location, pertinent physical factors (such as diagnosis, age, mental status, medication taken within 12 hours) and a medical evaluation. The patient should be interviewed whenever possible.

c. The initial findings will be reported to the Associate Director (for administrative employees) or to the Chief of Staff or the Associate Director for Patient/Nursing Services (for clinical employees).

d. If there is a basis for the complaint, a report of the facts and circumstances will be made to the Director so that a formal investigation may be undertaken.

e. Alleged abuse of a beneficiary, when the circumstances require a formal investigation by the facility, will be reported to VACO.

f. Appropriate disciplinary action must be taken promptly where indicated. Charges of abuse or mistreatment must be upheld against an employee if the offense is reasonably established by all the evidence. What is reasonable evidence in such cases must rest in the judgment and discretion of those responsible for determining the facts.

g. **The administrative penalty for abuse of patients is removal.** A lesser penalty (admonishment, reprimand, suspension or demotion) may be imposed only when the abuse is of a minor nature and is not a repeated offense.

6. REFERENCES:

a. 38 CFR 17.508.

b. 38 USC 3305.

c. Medical Center Memorandum 11-10.

7. **RESPONSIBLE OFFICIAL:** The Chief of Human Resources is responsible for the contents of this Medical Center Memorandum.

8. **RESCISSION:** Medical Center Memorandum 05-11, dated July 28, 2008.

A handwritten signature in black ink, appearing to read "Thomas Grace".

Thomas Grace, MBA, MHA
Acting Director, Atlanta VA Medical Center

DISTRIBUTION: C

AUTOMATIC REVIEW DATE: December 2015